

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID DAVIDOW and SHERYL DE  
MERS, domestic partners,

Plaintiffs,

v.

ZALNATRAV, INC., a Washington  
corporation; RAVENARK, a Washington  
sole proprietorship; TRAVIS B. BRANDT  
and JANE DOE BRANDT, husband and  
wife, and the marital community  
composed thereof,

Defendants.

Civil Action No. 2:22-cv-01594-RAJ

**ORDER**

**I. INTRODUCTION**

THIS MATTER comes before the Court on Defendant Travis Brandt's "Motion to Reconsider Order 159" (Dkt. # 162), "Praecipe Motion to Resubmit Motion to Reconsider" (Dkt. # 164<sup>1</sup>), and "Motion to Reconsider Order 169" (Dkt. # 170). Having

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<sup>1</sup> Defendant originally filed this Motion at Dkt. # 162. He later re-filed the Motion at Dkt. # 164, stating that Dkt. # 162 was uploaded in error. Dkt. # 164 at 1.

1 reviewed the pleadings, the record, and relevant law, the Court **DENIES** Defendant's  
2 Motions.

## 3 **II. BACKGROUND**

4 On January 24, 2024, this Court entered an order granting Plaintiffs' motion for  
5 partial summary judgment (Dkt. # 123) and denying Defendant Brandt's motion for  
6 summary judgment dismissal of Plaintiffs' claims (Dkt. # 130), motion to compel  
7 attendance at settlement hearing (Dkt. # 131), motion regarding attorney's fees of \$1,712  
8 (Dkt. # 147), and motion regarding 17% interest (Dkt. # 148). Dkt. # 159. This order  
9 resolved the parties' claims with one exception—Plaintiffs' civil RICO claim. Plaintiffs  
10 then filed a motion to voluntarily dismiss this claim. Dkt. # 160. On February 6, 2024, all  
11 parties appeared for a telephonic conference and stipulated to the dismissal of the civil  
12 RICO claim with prejudice. Dkt. # 168. This Court then entered an order memorializing  
13 the parties' stipulation, dismissed Plaintiffs' RICO claim with prejudice, and vacated the  
14 parties' trial date. Dkt. # 169. With the entirety of the parties' claims now resolved, the  
15 Court turns to Defendant Brandt's motions seeking reconsideration of the summary  
16 judgment order and the order dismissing Plaintiffs' RICO claim with prejudice. Dkt. ##  
17 162, 164, 170.

## 18 **III. DISCUSSION**

19 Motions for reconsideration are governed by Local Rule 7(h), which provides the  
20 following:

21 Motions for reconsideration are disfavored. The court will ordinarily deny such  
22 motions in the absence of a showing of manifest error in the prior ruling or a  
23 showing of new facts or legal authority which could not have been brought to its  
24 attention earlier with reasonable diligence.

25 Local Rules W.D. Wash. LCR 7(h)(1). A motion for reconsideration must be filed within  
26 fourteen days after the order to which it relates is filed. LCR 7(h)(2).

1 Here, Defendant argues that this Court's findings related to summary judgment are  
2 "erroneous" and disputes many facts put forth by Plaintiffs. Dkt. # 162 at 7-13.  
3 Defendant offers many of his own factual assertions which, he argues, undermine this  
4 Court's findings. In particular, he contests this Court's interpretation of the parties'  
5 contract and argues that the contract was not intended to defraud Plaintiffs, and again  
6 insists that he did not misuse the funds paid to him by Plaintiffs under the contract. *Id.*

7 As this Court stated in its order, "summary judgment is appropriate if there is no  
8 *genuine dispute* as to any material fact...." Fed. R. Civ. P. 56(a). In both briefing and oral  
9 argument, Defendant has raised various factual disputes with Plaintiffs surrounding the  
10 construction of the Vessel; however, uncorroborated allegations and self-serving  
11 testimony like the kind advanced by Defendant will not serve to create a genuine issue of  
12 material fact. *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1061 (9th Cir. 1987).  
13 The existence of factual disputes between the parties was not sufficient to defeat  
14 Plaintiffs' request for summary judgment, which was supported by ample evidence,  
15 including Defendant's deposition testimony.

16 As for the motion to reconsider this Court's order dismissing the civil RICO claim  
17 with prejudice, Defendant claims that the order includes the language "to enter final  
18 judgment"—language that Defendant opposes being included in any court order,  
19 presumably to make clear his opposition to partial summary judgment being granted in  
20 favor of Plaintiffs. Dkt. # 170 at 2. The Court understands Defendant's concern about this  
21 language to be the reason the parties were not able to stipulate to the dismissal of the  
22 RICO claim prior to the teleconference. *See* Dkt. # 161. However, Defendant's objection  
23 is misplaced. This Court's February 6, 2024 order does not include the phrase "to enter  
24 final judgment." Instead, the order simply notes that Defendant does not consent to the  
25 inclusion of this language. *See* Dkt. # 169 at 1.

26 All told, Defendant fails to present new facts or legal authority in either motion

1 compelling a different result. Defendant's motions for reconsideration are therefore  
2 **DENIED.**

3 **IV. CONCLUSION**

4 The Court finds that Defendant has provided no basis for the Court to reconsider  
5 its order granting Plaintiffs' motion for partial summary judgment or its order dismissing  
6 Plaintiffs' civil RICO claim with prejudice. Defendant has failed to demonstrate manifest  
7 error in the Court's prior rulings or new facts or legal authority which could not have  
8 been brought to the Court's attention earlier with reasonable diligence. Therefore, the  
9 Court **DENIES** Defendant's "motion to reconsider order 159" (Dkt. # 162, 164) and  
10 "motion to reconsider order 169" (Dkt. # 170).

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12 DATED this 15th day of February, 2024.

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15 The Honorable Richard A. Jones  
16 United States District Judge  
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